

BACKGROUNDS OF SELECTIVE SERVICE

Military Obligation:
THE AMERICAN TRADITION

*A Compilation of the Enactments of Compulsion
From the Earliest Settlements
of the Original Thirteen Colonies in 1607
Through the
Articles of Confederation 1789*

SPECIAL MONOGRAPH NO. 1

VOLUME II

PART 5. MARYLAND ENACTMENTS

THE SELECTIVE SERVICE SYSTEM

1947

EXHIBIT 4 (McLean)

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450 *Assembly Proceedings, Feb. 23–May 22, 1756.*

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p. 298 Whereas in this Time of Immiment Danger it is requisite for the Defence and Security of this Province that the Militia thereof be duly regulated and well Armed as well to repell the hostile Attempt of foreign Invaders as to quell and Suppress any intestine Com-motions Rebellions or Insurrections which may happen.

Be it therefore Enacted by the Right honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the Same that every Male Inhabitant of this Province (Papists, the Persons commonly called Neutralls, Servants, and Slaves excepted) who shall be from the Age of Sixteen Years to the Age of Sixty Years and able to bear Arms at the Expiration of Ten days after the Publication of this Act in the County wherein he shall reside shall inlist with the Captain or next Commanding Officer of the Troop of Horse or Company of Foot in the District or Place where such Person shall reside by writing his name or making his Mark (as he shall be able) in a Roll to be Entituled and kept for that Purpose within Ten Days from and after the Publication of this Act as aforesaid under the Penalty of forty Shillings Current Money and the Same Penalty for every Thirty days Neglect or Omission thereafter and all Captains within this Province are hereby directed and commanded to take due Care to Inlist accordingly all such Persons as aforesaid and in Case of dispute whether any Person ought to inlist in respect of his Age the Same Shall be determined by the Officer before whom Such Dispute Shall happen by the Oath of the Person whose Age shall be in Question or the Oath or Affirmation (if a Quaker) of his Parent or some other credible Witness which Oath or Affirmation the Said Officer is hereby authorized to Administer.

And Be it further Enacted by the Authority aforesaid that all and every Male Person and Persons (except as above excepted) who shall attain his or their Age of Sixteen Years or come into and Settle in this Province after the Expiration of the aforesaid Ten Days from and after the Publication of this Act and be of the Age aforesaid Shall within Ten days after his or their attaining their Said of Sixteen Years or Twenty Days after his or their Arrival within this Province inlist in the manner aforesaid under the Penalty of Forty Shilling Current Money and the Same Penalty for every Thirty days Neglect or Omission hereafter so to inlist as aforesaid.

And be it Enacted by the Authority aforesaid that the Colonels or Commanding Officers of all Regiments Troops and Company's shall in Ten days after the Publication of this Act in their respective Counties and once at least in every Two Months thereafter issue

367. Md.—*General Assembly (Lower House), Annapolis; Arch . . . Vol. 52, Pleasants, 1935; Act, May 22, 1756, pp. 450–474.*

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their Warrants to their inferiour Officers directing them to make diligent Inquiry in their respective Districts whether all Persons have inlisted according to the Directions of this Act and to return the Names of all Defaulters in that behalf to the end that they may be punished according to this Act and the Colonel or Commanding Officer Neglecting his Duty herein shall forfeit and pay the Sum of Twenty Pounds Current Money for every Neglect and the inferiour Officer charged with the Execution of such Warrant for every Neglect of his Duty herein shall forfeit and pay the Sum of five Pounds Current Money And be it Enacted by the Authority aforesaid that all and every Person and Persons to be inlisted according to the Directions of this Act Shall take the following Oath to wit " I do swear that I will be faithful and bear true Allegiance to his Majesty King George the Second and him I will defend to the utmost of my Power against all Treasons traiterous Conspiracies and Attempts whatsoever and I will do my best Endeavour to disclose and make known to the Governor or Commander in Chief for the Time being of the Province of Maryland whilst I shall reside in the Said Province all Treasons and traiterous Conspiracies which I shall know to be against his Said Majesty or his Successors and I do further swear that I will to the utmost of my Power defend Support and Maintain his said Majesty's Dominion in and over the Said Province and also defend Support and maintain the Peace of the said Province against all Invasions Rebellions and Insurrections whatsoever and all these things I do plainly and Sincerely Swear according to these express words by me Spoken and according to the plain and common Sense and understanding of the Same words without any Equivocation mental Evasion or Secret Reservation whatsoever so help me God " And shall also repeat and Subscribe the Test before a Magistrate of his County which Said Oath any Magistrate who shall be required by the Captain or Commanding Officer of any Troop or Company) is hereby Obligated to Administer to every Person who shall inlist as aforesaid under the Penalty of One hundred Pounds Current Money in Case of neglect so to do And if any Person inlisted as aforesaid being required to take the Oath aforesaid and repeat and Subscribe the Test aforesaid shall refuse or wilfully neglect to do the Same then and in Such Case the Magistrate aforesaid is required to Committ Such Person so neglecting or refusing to the County Goal by his Warrant to be directed to the Sheriff of that County and the said Sheriff is hereby required and directed to receive and take into his Custody and Strictly to confine Such Person so as aforesaid To him committed untill Such Person Shall take the Oath aforesaid and repeat and Subscribe the Test aforesaid and pay his Fees or pay the Sum of One hundred Pounds Current Money to Such Sheriff together with his Fees and if any Person who shall be so committed and discharged out of

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Custody upon Payment of the aforesaid Sum of One hundred Pounds Current Money and Fees aforesaid Shall Presume to have or keep in his Possession or in his House or upon his Plantation or elsewhere any Fire-Arms or Ammunition Such Person Shall forfeit and pay the further Sum of One hundred pounds Current Money

And be it Enacted by the authority aforesaid that in Ten days after the Publication of this Act the Colonel or Commanding Officer of every Regiment Troop or Company in the Militia of this Province shall issue his Warrant to his inferiour Officers directing them to make deligent Search and Enquiry in their respective District what Arms and Ammunition shall be therein and return what Number of Arms and what Quantitiy of Ammunition they Shall on such Search and Enquiry find or discover and the Condition and kind of such Arms and Ammunition and who shall be possessed thereof distinctly in Writing under the Penalty of Twenty Pounds Current Money upon the Colonel or Commanding Officer aforesaid neglecting his duty in this Behalf and the Penalty of Five Pounds Current Money on the Inferiour Officer charged with the Execution of Such Warrant who shall neglect within five days after receipt of such Warrant to comply with his Duty herein and all and every Person and Persons shall on Demand produce his or their Arms and Ammunition to the Said Officers charged with the Execution of Such Warrants under the Penalty of Five Pounds Current Money for his or their every wilfull neglect or refusal so to do And Whereas on many Occasions Arms Ammunition and military Accoutrements of different Kinds have been delivered out of the public Magazines of this Province and are now dispersed among the Inhabitants and have been Sold or Sent from one to another and it is represented that the Locks have been taken of from many of the Said Arms and put to private Use therefore for discovering the Said Arms Ammunition and Military Accoutrements and Locks and rendering of Service towards Arming the Militia of this Province in this Time of common Danger Be it Enacted by the Authority aforesaid that the Captain of every Troop or Company of Militia shall within Ten Days after the Publication of this Act issue his Warrant to his Several Corporals to make diligent Inquiry within their Limits for all Arms military Accoutrements and Locks belonging to the Public and the Said Corporals are hereby required as soon as may be after receit of such Warrant to repair to the Habitation of every Housekeeper within their respective Limits and demand of him Such Arms Ammunition Military Accoutrements and Locks as he hath in his Possession belonging to the Public and immediately on Such Demand Such Person shall deliver the Same to the Said Corporals And the Said Corporals shall give Receipts for all Such Arms Ammunition military Accoutrements and Locks as Shall be delivered

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to them and Shall bring them from Time to Time to the next Muster after the Receipt thereof and deliver them to the Commanding Officer who shall be there present, who shall give the Said Corporal a a Receipt for the Same and Shall forthwith deliver them to the Colonel or Commanding Officer of the County, who shall give the Said Officer a proper Receipt for the Same and Such and so much of the Said Arms Ammunition and military Accoutrements as are fit for Service Shall by the Said Colonel or Commanding Officer of the County be delivered to Such Persons of the Militia as are by this Act deemed unable to provide the Same. And Such Arms and Military Accoutrements so delivered to him as Shall be unfit for Use the Said Colonel or Commanding Officer of the County Shall have mended and made fit for Use as soon as Possible and delivered out as aforesaid and his reasonable Charge for the Same shall be allowed in next County Levy.

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And be it further Enacted by the Authority aforesaid that every Person of whom any Arms Ammunition military Accoutrements or Locks belonging to the Publick Shall be demanded as aforesaid refusing to deliver the Same as before directed immediately on Such Demand Shall forfeit and pay treble the Value of Such Arms Ammunition military Accoutrements and Locks with Costs to be recovered in a Summary Way before any Magistrate of the County wherein Such Person Shall reside And in Case any Justice of the Peace Shall by any means be informed or Suspect that any Person hath in his or her Possession any arms Ammunition military Accoutrements or Locks belonging to the Publick after such demand made by the Corporal as aforesaid he shall issue his Warrant immediately to Such Corporal or his Successor to Seize and take Such Arms Ammunition military Accoutrements and Locks and bring them together with Such Person before him and in Case it Shall appear that the Same do belong to the Publick the Said Person Shall forfeit and pay Treble the Value thereof and moreover the Said Justice shall order the Said Corporal to keep Safe deliver them up as before directed and Shall give Judgment against Such person to pay Such Corporal two Shillings and Six pence Current Money And if any Dispute Shall arise at any Time whether any Arms Ammunition military Accoutrements or Locks do belong to the Publick or not the Onus probandi shall lie on the Person in whose Possession the Same Shall be

And be it further Enacted by the Authority aforesaid that every Colonel or Commanding Officer of the County and every other Officer above the Degree of a Captain who shall neglect his Duty by this Branch of this Act shall forfeit and pay the Sum of Twenty Pounds Current Money for every Such Neglect every Captain or Commission Officer under the Degree of a Captain the Sum of Five Pounds and every Corporal the Sum of two Pounds ten Shillings,

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And be it further Enacted that all Arms Gunpowder and Ammunition of what kind soever any Papist or reputed Papist within this Province hath or shall have in his House or Houses or elsewhere shall be taken from Such Papist or reputed Papist by Warrant under the hand of one Justice of the Peace for the County wherein such Papist or reputed Papist shall be Resident and that the said Arms and Ammunition so taken Shall be kept in Such Place as the Said Justice shall appoint.

And be it further Enacted that if any Such Papist or reputed Papist having or which Shall have any Armes Gunpowder and Ammunition or any of them shall refuse to declare or manifest the Same to the Said Justice of the Peace or to any other Person Authorized by the Warrant of the Said Justice to take and Seize the same then every Such Person so Offending shall forfeit and lose the Said Armour Gunpowder and Ammunition and Shall also be imprisoned by Warrant of or from the Said Justice for the Space of three Months without Bail or Mainprize.

And be it further Enacted by the Authority aforesaid that the Captain or Commanding Officer of every Troop or Company shall deliver to the Colonel or Commanding Officer of his County in Twenty days after the Publication of this Act a true and compleat Roll under his hand containing the Names of all the Persons belonging to and inlisted as aforesaid in his Troop or Company and their respective Ages distinguishing therein Such as shall be provided with Arms from such as Shall not under the Penalty of Ten Pounds in Case of Neglect or Omission thereof And the Said Colonel or Commanding Officer of the County Shall forthwith after the Receipt of Such Roll deliver or Send the Same (keeping a Copy thereof) to the Governor or Commander in Chief for the Time being under the Penalty of Twenty Pounds Current Money in Case of neglect or Omission thereof

And be it Enacted by the Authority aforesaid That the Captain or Commanding Officer of every Troop or Company shall besides the general Roll herein before mentioned make a particular Roll containing the Names of all Persons inlisted as aforesaid in the Troop or Company who Shall be from the Age of Eighteen to the Age of Thirty five Years and in Such Roll insert the Names of Such Persons in Such Order as shall be determined by Ballot or lott for that Purpose to be taken or drawn by the Said Persons in Twenty Days after the Publication of this Act and forthwith thereafter return a true Copy of such Roll to the Clerk of the County wherein he shall reside to be recorded by such Clerk who is hereby directed and required to record the Same without Fee or Reward under the Penalty of Twenty Pounds Current Money on the Captain or Commanding Officer aforesaid or Clerk of a County who shall neglect

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or omit to do the Same. Provided always that in Case any of the Persons aforesaid of the Militia from the Age of Eighteen to the Age of thirty five Years Shall on convenient Notice for that Purpose given either by a Personal Service of Such Notice or leaving the Same in Writing at his usual Place of Habitation refuse or neglect to take or draw Such Ballott or Lott as aforesaid then and in Such Case the Names of Such persons so refusing or Neglecting shall be inserted in such Roll before the name of Every Person who shall take or draw Such Ballott or Lott as aforesaid in Such Manner and order as the Said Captain or Commanding Officer shall think Proper And be it Enacted by the Authority aforesaid that after the Colonels or Commanding Officers aforesaid shall have received any Arms belonging to the Publick they shall distribute the same to and among Such Persons under their Command as Shall need or want the Same every Such Person giving a Receipt for such Arms and Paying or Securing to be paid in Nine Months after the Delivery of Such Arms the first Cost thereof to the Said Colonels or Commanding Officers unless Such Person will Swear that his whole Estate real and Personal is not of the Value of forty Pounds Sterling in which Case a Receipt only shall be taken from such Person And the Colonels or Commanding Officers aforesaid are hereby required and directed to take all the Receipts aforesaid in a Book by them for that Purpose to be kept to the End that it always may appear who have been provided with Arms and how the Said Colonels and Commanding Officers have distributed the Arms received by them for the Purpose aforesaid

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And be Enacted by the authority aforesaid that after the Decease of Such Person to whom Arms Shall be delivered on his Receipt only as aforesaid or Incapacity from Age Infirmary or otherwise to Serve in the Militia the Person into whose Possession the Arms of Such Person as aforesaid Shall come or he Shall deliver the Said Arms respectively to the Commanding Officer of Such deceased or incapapacitated Person under the Penalty of Five pounds Current Money on Failure thereof for the Space of Twenty days after the Incapacity or decease of Such Person.

And be it Enacted by the Authority aforesaid that every Colonel or Commanding Officer to whom Arms shall be delivered as aforesaid shall again deliver the Same to Such Person or Persons under his command as may want them and have not an Estate as aforesaid of the Value of forty pounds Sterling and shall once every Three Months at least transmit an Account of the Same to the Governor or Commander in Cheif for the Time being distinguishing from whom and at what Time he received the Same and to whom by him delivered again and the Colonel or Commanding Officer for Default of his Duty by this Clause required Shall forfeit and pay

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the Full Value of Such Arms and also the further Sum of Twenty Pounds Current Money And be it Enacted by the Authority aforesaid That no Arms whatsoever which shall be used by any Officer or private person of the Militia as the Proper Arms of Such Officer or private Person Shall be liable to the Satisfaction of any Debt whatsoever or be Seized or taken by or upon any manner of Distress writ of Execution or any Process whatsoever (except that of Attachment upon the Actual running away or absconding of Such Officer or private Person who shall find his Arms at his own proper Cost and Expence) and every Distress Seisure Execution or Process (except as aforesaid) made or Served upon Such Arms Shall be deemed to be void and the Person Serving or Executing the Same liable to the Suit of the Party Aggrieved wherein treble Damages and Costs shall be recovered and moreover Such Arms shall be Seized by the Order of the Commanding Officer of the Person to whom such Arms Shall belong for the Use of the Owner or Proprietier thereof.

And be it Enacted by the Authority aforesaid that it Shall and may be lawful for the Colonel or Commanding Officer aforesaid upon Notice or Information that any Person who shall receive Arms upon his Receipt only without paying or Securing to be paid as aforesaid the first Cost thereof hath Sold or otherwise disposed thereof to Seise or Order Such Arms to be Seised whether in or out of the County and the Person who shall receive Such Arms upon Such Sale or Disposition Shall forfeit and pay the Sum of Ten Pounds Current Money and the Person Selling or disposing thereof shall forfeit and pay the like Sum of Ten Pounds Current Money.

p. 303 And be it also Enacted by the Authority aforesaid that if any Person to whom Arms Shall be delivered as aforesaid on his Receipt only without his paying or Securing to be paid the first Cost thereof as aforesaid Shall abscond and carry away his Said Arms Such Person shall forfeit and pay the Sum of Five Pounds Current Money. And be it Enacted by the Authority aforesaid that all and every the Officers and private Men (being inlisted as aforesaid) of the Militia of this Province Shall form into Regiments Troops or Companys as the Governor or Commander in Chief for the Time being shall order and appoint under the Penalty of Forty Shillings Current Money upon each Person who shall refuse or Neglect to do the Same in pursuance of Such Order or Appointment and the same Penalty for every Thirty days Neglect thereafter. Provided always that the Troops of Horse in Each County Shall not exceed the Number of two or consist of more than thirty Six Troopers each (excluding Officers) And that no person shall be compellable to enter into any Troop of Horse who hath not a visible Estate of Five hundred Pounds Current Money to be adjudged in Case of Dispute by a Majority of the ffield Officers of the County.

And be it Enacted by the Authority aforesaid that as much Gunpowder and lead as can conveniently be spared Shall be taken out of the Publick Magazine and transmitted in due proportions and as the Same may be needed first to the Colonels and Commanding Officers of the Frontier Counties of this Province then to the Colonels and Commanding Officers of the other Counties respectively to be distributed by them in just and equal Proportions to and among the Persons under their Command so as that no more than one pound of Gun powder and three pounds of Lead be delivered to any one Person and in Case that after such Distribution any Surplus shall remain the Said Colonels or Commanding Officers are hereby required to retain and keep the Same in their Possession to be disposed of as herein after directed And be it further Enacted that if any private Man of the Militia of this Province shall in the Course of his Duty by the Command of his Superiour Officer expend any part of the Quantity of Powder and Lead by this Act directed to be brought by every Person to the Place of Muster it Shall and may be lawful for such Superiour Officer and he is hereby required to deliver to such Person a certificate of the Number of Charges so expended directed to the Colonels and Commanding Officers of the County in which Such Person resides and such Colonels and Commanding Officers or any of them in whose hands any Surplus shall be as aforesaid shall immediately on such Certificates being produced deliver to Such Person the Quantity of Gunpowder and Lead therein Mentioned. Provided always that no Gunpowder shall at any Time be expended in training unless by the Order and Direction of the Colonel or Commanding Officer of the County.

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And be it further Enacted by the Authority aforesaid that in Forty days after the Publication of this Act the Several Companies in each Regiment and the Troop of Horse shall meet at Such Place or Places in their respective Counties as Shall be appointed by the Colonels or Commanding Officers of the Said Counties to be then and there formed into Regiments Troops or Companys in Such Manner and under Such Officers as the Governor or Commander in Chief for the Time being Shall Order appoint or direct and every Troop and Company Shall thereafter be exercised and trained by their respective Captains or Next Commanding Officer once in every Thirty days or oftner if directed by the Colonel or Commanding Officer of the County except between the fifth day of November and the tenth of February during which Time they shall be exercised and trained at such times only as the Said Colonel or Commanding Officer shall appoint and direct and every Person of the Militia (inlisted as aforesaid) who shall fail to attend at the Place to be appointed as aforesaid for the Purpose aforesaid Shall forfeit and pay the Sum of Five Pounds Current Money and shall nevertheless be trained and exercised in the Company or Troop to which he shall

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And be it further Enacted by the Authority aforesaid that Once in Six Months from and after the Publication of this Act if command be given for that purpose by the Governor or Commander in Chief for the Time being and command be given by the Colonels or Commanding Officers of the Respective Counties the Several Companies in each Regiment and the Troops of Horse and foot Companies shall meet at such Place or Places in their respective Counties as shall be appointed to be there trained and exercised by the Field Officers of their respective Countys And be it Enacted by the Authority aforesaid that every Person to be inlisted as aforesaid and provided with proper and Suitable Arms to be determined by his Commanding Officer and to whom his proportion of Gunpowder and Lead Shall be delivered as aforesaid shall appear at Muster when duly warned so to do with his Arms in good Order and nine Charges of Gun-powder and nine Sizeable Bullets under the Penalty of Ten Shillings for every Neglect or Omission thereof And be it also Enacted by the authority aforesaid that every Person inlisted as aforesaid and to whom Powder and Lead shall have been delivered as aforesaid Shall at all Times after Such Delivery have at his Habitation or place of abode one pound of good Gun-powder and three pound of Sizeable Bullets or such Quantities as were delivered to him under the Penalty of Twenty Shillings Current Money for Neglecting to have the Same and also the further Penalty of Five Shillings Current Money Week thereafter that Such Person shall neglect to have the Same and if any Such Person shall on demand at any Time between Sun Rise and Sun Sett neglect or wilfully refuse to show his Captain or other Person Sent by him his Arms and Ammunition aforesaid the Person so neglecting or refusing shall be deemed to be unprovided therewith and Shall forfeit accordingly.

And be it Enacted by the Authority aforesaid that every Trooper whilst on Duty Shall be provided with a good Serviceable Horse with a good Saddle a pair of good Pistols a good Sword or Hanger half a pound of Gun-powder and twelve Sizeable Bullets and a Carbine well fixed with a good Belt Swivel and Buckett [sic] under the Penalty of forty Shillings Current Money for his wilfull neglect thereof And be it Enacted by the Authority aforesaid that the Colonel or Commanding Officer who shall fail or omit to order out and Muster the Militia as by this Act is directed shall forfeit the Sum of Twenty Pounds Current Money and every other Officer who shall fail or omit to do his duty at any training or Muster by this Act directed shall forfeit the Sum of Five Pounds Current Money

And be it further Enacted by the Authority aforesaid that the Clerk or some other Officer of every Troop or Company shall by Order of the Captain or Commanding Officer of Such Company that Shall be present on every Muster day as soon as such Troop or Company Shall be drawn up and before they proceed to exercise read distinctly and with an audible Voice at the head of Such Troop or Company the Several Clauses in this Act relative to the Duty of every private Man of the Militia whilst under Arms or in exercise or on the Days of training or in Actual Service under Penalty of the Sum of Five Pounds Current Money to every Captain or Commanding Officer who shall not give Such Order And fferty Shillings Current Money to the Clerk or other Officer who shall not immediately obey the Same

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And be it Enacted by the Authority aforesaid that no private Person of the Militia inlisted as aforesaid being thereunto appointed by his Captain shall refuse or neglect to Serve as a Serjeant or Corporal under the Penalty of fferty Shillings Current Money and in Case any Serjeant or Corporal shall refuse or neglect to warn the People to Appear under Arms when Ordered so to do by his proper Officer he shall forfeit for every Such Neglect or Refusal the Sum of Forty Shillings Current Money. And be it Enacted by the Authority aforesaid that no Commissioned or non Commissioned Officer in the Foot or Horse Shall be Subject or liable to Serve in the Office of Constable any Law usage or Custom to the Contrary notwithstanding And be it Enacted by the Authority aforesaid that no Person Officer or Private Man of the Militia Shall be Subject to any arrest Either Mesne Process or on Execution or in any other manner for any civil Matter in his Attendance at going to or returning from Muster or whilst employed in any Duty or Service by this Act directed or required And be it Enacted by the Authority aforesaid that all Persons belonging to the Militia Shall at Muster and whilst on Duty execute and perform all their proper Services and Obey the just Orders of their Respective Officers on pain of forfeiting not exceeding the Sum of Forty Shillings Current Money for every Neglect or Omission or being put under arrest according to the Quality of the Offender or nature of his Offence. And be it further Enacted by the Authority aforesaid that if any Officer or private Man of the Militia shall at any Time whilst under Arms or upon Duty abuse or take Revenge or Endeavour to take revenge for any Matter or thing done by his Commanding Officer in Pursuance of his Duty by Virtue of this Act such Officer Shall forfeit and pay not exceednig five pounds Current Money and every private Person shall forfeit and pay not exceeding the Sum of forty Shillings Current Money and be compelled under pain of Three days Imprisonment to acknowledge his Offence at the Head of the Company Troop or Regiment to which he Shall belong And be it Enacted

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by the Authority aforesaid that any Person of the Militia who shall get drunk on any Muster-day before or at Muster shall forfeit the Sum of Ten Shillings Current Money and any Person who shall presume to vend Sell or Dispose of any Strong Liquor at any Place of training or at any other Place within Five Miles of any Place of training to any Person belonging to the Militia on any Muster day except between the Time of Discharge from such Training for that day and the Sun sitting thereof Such Person so vending selling or disposing of Such Strong Liquors Shall forfeit and pay the Sum of Five Pounds Current Money And no Person other than a licenced Ordinary Keeper shall vend Sell or dispose of any Strong Liquors to any Person whatever at such Time and Place aforesaid even between the Hours aforesaid under the Penalty of Five Pounds Current Money for every Such Offence and it Shall and may be lawfull for the Commanding Officer of the Party at such Muster and he is hereby directed and required to order the Strong Liquors of the Person so offending to be Siezed and Destroyed Provided always that nothing herein contained shall be construed to extend to any Merchant or licenced Ordinary-Keeper who shall vend Sell or Dispose of any Strong Liquors in his or her House the same not being to any Person of the Militia or any for the Use of Such Person And Be it further Enacted by the Authority aforesaid That every Papist above the Age of fourteen Years or any other Person refusing to take the Oaths appointed by Law to be taken to the Government which the Commanding Officer present shall administer and repeat the Test and Subscribe the same and the Oath of abjuration who shall be found at any Place and of Training or within View thereof, during the Time of Exercise Shall forfeit and pay Fifty Shillings Current Money and Shall by any Commission Officer then present be ordered to Depart and in Case such Papist or other Person shall not immediately on such Order depart out of View of such Place or after departing shall return again that day he shall forfeit and pay the further Sum of Five Pounds Current Money and be committed by a Magistrate and in Case no Magistrate Shall be present by the Commanding Officer present to the Custody of the Sheriff there to remain untill he shall give Sufficient Security for his good Behaviour for three Months and that he shall not be found at or within View of any Place of Training in the Time of Exercise till the Expiration of the Time aforesaid and if any Negroe or Mullatto Slave, except the Necessary Attendants of any Person who Shall be there and except any Slave who shall be found working on his Masters Plantation or passing by upon Some lawful Occasion Shall be found at any Place and day of Training or within View thereof after the hour appointed for meeting the Commanding Officer present shall order such Negro or Mullatto Slave to be whipped on his or her bare Back untill the Blood Shall appear with

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any Number of Stripes not exceeding thirty nine and if Such Slave Shall be again found at any time and Place of Training as aforesaid he or she Shall be whipped as aforesaid every Such time by order of the Commanding Officer who shall be present with any Number of Stripes not exceeding Forty nine. And Be it further Enacted by the Authority aforesaid That if any of the late Inhabitants of Nova Scotia commonly called French Neutrals shall be found at any day and Place of training or within View thereof they Shall be Immediately Order by the Commanding Officer present to depart and if they Shall not without delay comply with Such Order the said Commanding Officer is hereby required to Order such person to be put under Arrest and carried away and detained out of View of the Said Place of Training untill Sun Set that day And Be it further Enacted that every Commission Officer who Shall know of any Papist or any other Person who hath refused to take the Oaths afores.^d and repeat the Test and Subscribe the Same and the Oath of Abjuration as afores.^d or any late Inhabitant of Nova Scotia or French Neutral or Negro or Mullatto Slave being at any day and place of training as aforesaid and Shall not behave to Order and direct about them respectively as in and by the three last preceding Clauses of this Act is directed Such Commission Officer shall forfeit and pay if above the Degree of a Captain Twenty Pounds Current Money, and if a Captain or below that Degree Five Pounds current money. And Be it further Enacted by the Authority aforesaid that all Doubts or Disputes of or concerning Precedence or Rank shall be Settled and Determined by the Governor or Commander in Chief for the Time being or his Order or Appointment And be it Enacted by the Authority aforesaid that in Case of Alarm every Person belonging to the Militia of this Province upon Notice thereof in any Manner shall immediately repair with with his proper Arms or the best he has and with Nine Charges of Gun-powder and nine Sizeable Bullets at the least to his Colours or Parade under the Penalty of Five pounds Current Money upon every private Man who shall Neglect the Same which Parade shall be understood to be the Habitation of his Captain or Comanding Officer unless it Shall be otherwise ordered or appointed

And Be it further Enacted by the Authority aforesaid that in Case of any Alarm Invasion Rebellion or Insurrection all Officers of the Militia Shall have full Power and Authority in their respective Stations and they are hereby enjoined required directed and Commanded forthwith to raise the Militia under their Command and to dispatch immediate Intelligence to their Commanding Officers informing them in what Manner they intend to Act or proceed and the Said Commanding Officers are hereby required and Commanded to Send forward the Said Intelligence to the Commanding Officers

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of the Next adjacent Counties And the Officers aforesaid Shall in the mean time keep the Militia under their Command under Arms and every Commanding Officer of a County upon any Alarm or receiving Intelligence of any Invasion Rebellion or Insurrection Shall forthwith Dispatch an Express to the Governor or Commander in Chief for the Time being with a full Account thereof and shall therewith Signify how and in what manner he intend to Act or proceed and the Commanding Officer of every County with the Consent and Approbation of the Governor or Commander in Chief for the time being hath hereby full Power and Authority in the Time of actual Invasion Insurrection or Rebellion to impress Boats and Hands Horses Arms and Ammunition as the Service may require and shall draw together the Militia of the County and March them in Such place and places within this Province, as he Shall judge most Convenient for opposing the Enemy, or quelling or Suppressing any Rebellion, or Insurrection, and to Such Place and Places, within this Province, as shall be appointed or directed by the Governor or Commander in Chief, for the Time being And, every Field Officer who shall wilfully Neglect or refuse to perform his Duty herein required in the Time of Actual Invasion, Insurrection, or Rebellion, Shall forfeit the Sum of Two hundred pounds Current Money; and every Captain and other Commissioned Officer, for his neglect or Refusal to perform his Duty at such Time as aforesaid, Shall forfeit the Sum of One Hundred pounds Current Money, and every non-commissioned Officer and private Man of the Militia for his Neglect or Refusal to perform his Duty at such time as aforesaid, Shall forfeit the Sum of Ten Pounds Current Money. And be it further Enacted by the Authority aforesaid, That the respective Captains, and in Default of them, the Next Commanding Officers of the several and respective Companies, within the Counties nearest to any Place invaded, or where any Rebellion or Insurrection Shall happen, shall call together and Assemble their Companies, and forthwith March them, and Use their utmost Endeavours to oppose and drive off the Enemy, or quell or Suppress Such Rebellion, or Insurrection, If they Shall judge their Force to be Sufficient for that Purpose; nevertheless, the Said Captains or Commanding Officers, as aforesaid, Shall dispatch Such Express as aforesaid.

And Be it Enacted by the Authority aforesaid, That within Twenty Days after the Publication of this Act, every Master or Owner of every Indian, Negro Mullatto or other Slave, above the Age of Sixteen Years shall deliver or cause to be delivered, to the Captains of the Companies in the respective Distracts wherein they Shall reside, a true List of all Such Slaves belonging to them, on pain of forfeiting the Sum of Twenty Shillings Current Money for Neglect thereof; from which List every Captain shall make three compleat

Lists of the whole Number of Slaves returned to him, distinguishing therein the Sexes, Names, and numbers of the Slaves, belonging to Each Person, and Shall forthwith transmit one List to the Governor or Commander in Chief, for the Time being, one other List to the Colonel or Commanding Officer of the County, and retain the other List in his own Possession, under the Penalty of Five pounds Current Money in Case of Neglect or Refusal: and in Case of any Alarm, Invasion, Rebellion, or Insurrection, shall (if necessary) unless it shall be otherwise provided by his Commanding Officer appoint and leave a Detachment from his Company, to keep Guard in and preserve the Peace of his District.

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And be it Enacted by the Authority aforesaid, That if any Negro, Indian, Mullatto, or other Slave, above the Age of Sixteen Years, Shall in the Time of actual Invasion, Rebellion or Insurrection, be found at the Distance of Two Miles or more from his or her Habitation or the Plantation to which Such Slave Shall belong without the leave or licence of his or her Owner or Overseer Such Slave, Shall be adjudged to be punished by whipping with any any Number of Stripes not exceeding thirty nine; on the bare back, by any Magistrate before whom Such Slave shall be carried manner aforesaid to arrest and take up such Slave in Order to his or her Examination and in Case Such Slave shall oppose or endeavour to escape from the Person having Such power as aforesaid to arrest Such Slave as aforesaid it shall and may be lawfull for any Magistrate and he is hereby required to issue his warrant on Complaint to him made to apprehend such Slave and upon Such Slave being brought before him to cause Such Slave to be punished by whipping on the bare back with any Number of Stripes not exceeding thirty nine as by the Said Magistrate Shall be adjudged any Law Usage or Custom to the Contrary notwithstanding And be it Enacted by the Authority Aforesaid, that it shall and may be Lawfull for any Colonel or Commanding Officer of any Regiment, Troop, Company, or Detachment, in the Time of actual Service in the time of Invasion Insurrection or Rebellion by and with the Consent and Approbation of the Governor or Commander in Chief, for the Time being, to impress and take up, or by warrant under his Hand, to Order to be impressed and taken up, necessary Provision, Sloops, Boats, or other Vessels, for the Transportation of the Militia over Rivers or Creeks or the main Bay of Chesapeak, within this Province; together with the Rigging, Tackle, Furniture, and Apparel, belonging thereunto, and also Carts, Waggon, Draught-Horses, and Oxen, and other Conveniences for the Land-Carriage of Provision, Arms, and Ammunition, from Place to place, within this Province; and Likewise any manner of Tools, Utensils, or Instruments, which Shall or may be wanted, and also to impress or take up, or order to be impressed or taken as aforesaid, fit and able persons to go in Sloops,

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L. H. J. Boats, and other Vessels, aforesaid; and also Labourers, pioneers,
 Liber No. 48 and Artificers, who shall be thought usefull in the Service. Provided
 May 22 always, that it Shall not be lawfull to take up or impress all or any
 of the Articles afores.^d without giving a Receipt for the Same,
 expressing therein the use or Service for which the Same Shall be
 impressed, or taken up, and a Certificate for what use or Service
 Such Labourers, Pioneers, or Artificers, shall be impressed, on pain
 of being Liable to the Action of the Party Aggrieved.

And be it Enacted by the Authority aforesaid, that no Officer of
 the Militia of this Province, Shall Surrender or resign any Com-
 mission which hereafter may be Granted, unless his Surrender or
 Resignation on Account of Sickness, or other Incapacity, Shall be
 accepted by the Governor or Commander in Chief, for the Time
 being or shall refuse or neglect to Qualify himself to act under this
 Law, on pain of being inlisted as a Private Man, and as such liable
 to the like Services and Penalties; and all Commissions granted
 to any Persons, which do or shall not confine them to any Corps
 in the County or Place wherein they shall reside, Shall be and are
 hereby declared to be null and Void, and no Officer Shall hereafter
 presume to act as Such, unless he hath or shall, before any Act done
 by him, as an Officer, take the Oaths to the Government as before
 directed, and Subscribe the Oath of Abjuration and repeat and
 Subscribe the Test, on pain of forfeiting the Sum of One hundred
 Pounds Current Money.

And be it Enacted by the Authority aforesaid that all Officers and
 private Men of the Militia after they Shall be deemed to be provided
 with proper and Suitable Arms Shall as often as directed by the
 Colonel or Commanding Officer of the County in their Attendance
 at Devine Service at their Parish Churches or Chapels bring with
 them their proper Arms in good Order with the same Quantity of
 p. 309 Ammunition as is required at Muster by this Act under the Penalty
 of Ten shillings Current Money for their failure or neglect thereof.

And be it further Enacted by the Authority aforesaid, that in Case
 a Detachment only shall be Ordered by the Governor or Commander
 in Chief from the Militia of any County, to act within this Province,
 in Conjunction with a Detachment from the Militia of another
 County, Such Detachment shall consist of the Persons whose names
 shall be inserted in the Roll, to be returned as aforesaid to the Clerk
 of the County Court; and the Persons to serve on Such Detach-
 ment, shall Serve in the Order in which their Names shall be set
 down or inserted in Such Roll Successively, and be subject to the
 Command of Such Officer or Officers as Shall, on Such Service be
 appointed for that Purpose by the Governor or Commander in Chief
 for the Time being which Said Commanding Officer shall be of the
 Militia of this Province and the Colonel or Commanding Officer of
 the Regiment, Company, or Troop, to which the Persons liable to

serve on such Detachment as aforesaid shall belong, are hereby authorized and required to impress and take up, or order to be impressed and taken up, proper and Suitable Arms for the Use of the Persons to Serve on Such Detachment; and all and every Person and Persons liable to serve on such Detachment, to be ordered as aforesaid, who shall neglect or refuse so to do, or to find an able Sufficient and well Armed Man to Serve in his Place or stead shall forfeit and pay the sum of Twenty pounds Current Money for every Neglect or Refusal.

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And Whereas upon certain Emergencies in time of Invasion Insurrection or Rebellion it may be necessary to keep Military Watch and Ward: Be it therefore Enacted by the Authority aforesaid that upon the Order or Direction of the Governor or Commander in Chief for the time being for the keeping of Military Watch and Ward every Person of the Militia of this Province Inlisted as aforesaid who shall be warned by his Commanding Officer, or by his Order under his hand, upon Such Service, Shall Serve on Such Watch, or find a Sufficient and well armed Man in his Room, under the Penalty of Five Pounds Current Money for every Neglect or Refusal; and Commissioned Officers who shall be directed by their Commanding Officer, shall keep such Watch in Person under the Penalty of Ten Pounds Current for every Default or Neglect thereof; but Captains shall not be obliged to Serve in Such Military Watch, unless the Said Watch Shall consist of a Captains Guard, and upon all Sudden Emergencies in time of Invasion, Insurrection, or Rebellion, upon which a Military Watch may be immediately necessary, the Same may be appointed by each Captain, and the Captain appointing the Same shall Send immediate Intilligence thereof to his Commanding Officer and of the Reasons why he appointed Such Watch and the Said Commanding Officer is hereby directed to dispatch immediate Intilligence thereof to the Governor or Commander in Chief for the time being unless upon Enquiry he shall think Such Watch to be unnecessary in which Case Such Commanding Officer Shall and may direct the Same to cease, And Defaulters in this Case Shall be liable to the Same Penalties as in the Case of a Military Watch established by Order of the Governor or Commander in Chief.

And Be it further Enacted by the Authority aforesaid that any Centry upon Guard, who shall Challenge any Person or Persons three times distinctly, and the Person or Persons so Challenged, shall refuse to give an Account of him or themselves, may lawfully fire upon Such Person or Persons so Challenged, without being Impeached on Prosecuted for the Same any Law, Custom or Usage, to the Contrary Notwithstanding.

And Be it Enacted by the Authority aforesaid That in Case any Person, who Shall Serve upon Such Military Watch as aforesaid,

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And Be it further Enacted by the Authority aforesaid, that during the time any Persons of the Militia Shall be in Actual Service, within this Province, or shall keep Military Watch as aforesaid, they shall be supported and Paid in Manner following, to wit, To every Major General Twenty Shillings per day, To every Chief Colonel of Foot Seventeen Shillings and Six pence per Day, To every Lieutenant Colonel of Foot fifteen Shillings per Day: To every Major of Foot fourteen Shillings per Day: To every Captain of Foot twelve Shillings and Six pence per Day: To every Lieutenant of Foot Six Shillings and eight pence per Day: To every Ensign five Shillings per Day. To every Serjeant two Shillings per Day: To every Corporal of Foot One Shilling and eight pence per Day: To every Drummer of Foot One Shilling and eight pence per Day: To each private Soldier one shilling and Six pence per Day: To a Surgeon Eight Shillings and Six Pence per Day, and Medicines to be found: To a press Master four Shillings per Day: To every Colonel of Horse nineteen Shillings per Day; every Lieutenant Colonel of Horse eighteen Shillings per Day: a Major of Horse Sixteen Shillings per Day: a Captain of Horse fourteen Shillings per Day: a Lieutenant of Horse Seven Shillings and Six Pence per Day a Cornet Six Shillings per Day: a Quarter Master five Shillings per Day: a Corporal two Shillings and Six Pence per Day: a Trumpeter two Shillings and Six Pence per Day: a private Trooper two Shillings per Day.

Provided, that if they shall be Discharged again in two days no Pay shall be Allowed.

And Be it Enacted by the Authority aforesaid that the Provisions and all and every the Matters, Articles, and things, which shall be taken up and Impressed by Virtue of this Act, and the Pay aforesaid of the Militia, shall be paid for, discharged and defrayed by the Money which Shall or may Arise, or Accrue in Virtue of or by the Execution of this Act; and in Case that after the Application of Such Monies to the Purposes aforesaid there shall happen or be any Deficiency, the Same shall be Provided for by the Consent of the Freemen of this Province by their representatives in general Assembly.

And Whereas in the time of Actual Service in the time of invasion Rebellion or Insurrection it is necessary that the Officers and Private Men of the Militia of this Province be held to a more Strict

Discipline than at other times might be Expedient. Be it therefore Enacted by the Authority aforesaid That if any Officer or Private Man of the Militia of this Province, in the Time of Actual Service within this Province in the time of Invasion, Rebellion, or Insurrection shall wittingly and willingly excite Cause or Join in any Mutiny or Sedition in any Company Troop Regiment Party Guard or Detachment of the Militia of this Province or shall shamefully leave desert or fly from his Station or Post without the Order or Direction of his Proper Officer or other good Sufficient reasonable Cause, or shall wittingly hold Correspondance with any Rebel or Enemy or give any Rebel or Enemy Advice or Intelligence by Letter, Message, Signs or Tokens in any manner or way whatsoever, the Person or Persons so Offending being thereof Convicted in due form of Law shall and are hereby declared felons and shall Suffer Death as in Cases of felony without Bennefit of Clergy.

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And Be it further Enacted that if any Person in the Time aforesaid Shall Strike or Use any Violence to his Superior Officer or shall wilfully refuse to obey his Just Order, Such Person So Offending shall Suffer Such Punishment by fine or Imprisonment (the Said fine not to exceed the Sum of five Pounds Current Money and such Imprisonment not to exceed the Space of Seven Days) as shall be Adjudged by a Court Martial for that purpose to be constituted and appointed by the Commission of the Governor or Commander in Chief for the time being under the Seal of this Province out of the County wherein the Offender shall reside not under the Degree of a Captain, the Said Court Martial to consist of the Number of twelve and no more besides the President, and Such Court shall have full Power and Authority to Administer an Oath to every Witness to Discover the Truth in order to the Examination and Tryal of any of the Offences determinable before such Court, and the Sentance of the Majority of the Members of Such Court shall be Immediately Executed, Provided always, that in all Tryals to be had before any Court Martial to be appointed and held as aforesaid in Virtue of this Act, every Judge before any Proceedings shall be had, shall take the following Oath to wit, I do swear that I will well and truly Try and Determine according to Evidence on the Subject of my Present Enquiry to the best of my knowledge and Judgment according to the Intent and Meaning of an Act of Assembly of the Province of Maryland Entituled an Act for Regulating the Militia of the Province of Maryland, without Partiality Malice Favour or Affection and that I will not at any time, upon any Account whatsoever disclose or discover [my] own Vote or Opinion or the Vote or opinion of any Other member of this Court Martial unless required to give Evidence thereof as a Witness by a Court of Justice in a due Course of Law so help me God Provide also, that no Officer or Private Person aforesaid being once Acquitted by a

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L. H. J. Court Martial for any Offence under this Act, Shall be liable to be
 Liber No. 48 Tried a Second time for the same Offence.
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And Be it Enacted by the Authority aforesaid, That it shall and may be lawful for the Commanding Officer of any Person Guilty of the Offence aforesaid to Commit Such Person and have him Safe kept, so as that he may be brought to his Trial for any of the said Offences. And Be it Enacted by the Authority aforesaid, That if it shall happen that any Trooper's Horse shall be killed by an Enemy in Actual Service, then the Said Trooper to be Paid for the Said Horse by the Publick. Provided always that nothing in this Act Contained, shall oblige or Compell any of the People Called Quakers or any of the Congregation called, Unitas Fratrum, or United Bretheren who from Religious or Conscientious Scruples are averse to the Bearing of Arms and Performing Military Service to Inlist or do Duty in the Militia of this Province; And provdied also and be it further Enacted that no thing in this Act contained shall be construed to extend to any Member of the Upper or Lower Houses of Assembly Except such as shall take Military Commissions under this Act to any Person in Holy Orders and Provided also, that any Number of the Upper or Lower House of Assembly Taking a Military Commission as aforesaid, the Clerks and other Officers of the Upper and Lower Houses of Assembly shall be Exempt from all Duties and Services during the Sitting of the Assembly.

And Provided also that nothing in this Act contained shall extend to the Justices of the Provincial or County Courts Attorneys at Law, Sheriffs or other Ministers and Officers belonging to any of the Said Court during the time that Such Courts shall Sit, And Provided also that nothing in this Act contained shall extend to Goalers, Ferrymen, Millers, Mariners, Watermen, usually employed in any Craft, Persons employed in Furnaces or Iron Works, Physicians, Surgeons, and Apothecaries, Except in time of actual Invasion, Rebellion, or Insurrection, when all and every the Said Persons in this Clause mentioned, being of the Militia, Goalers and Ferrymen Excepted, shall be liable to the Same Duty and Service as if this Proviso had not been herein inserted except Such Physicians, Surgeons, and Apothecaries, who in Ten Days after the Publication of this Act, Shall give in their Names in writing to the Colonel or Commanding Officers of the Counties, wherein they shall reside, and engage to attend in their Profession with Proper Medicines and Instruments, upon any part of the Militia whilst in actual Service as they shall be directed by the Said Colonels or Commanding Officers; and Such Physicians, Surgeons, and Apothecaries, who shall engage as aforesaid shall be and are hereby exempted from all Service in the Militia whatsoever, But in Case any Physician Surgeon, or Apothecary, shall engage as aforesaid, and upon receiving the direction of the Colonel or Commanding Officer aforesaid, shall wilfully refuse

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or neglect to do and perform his Duty, according to his Said Engagement, in Such Case Such Physician, Surgeon or Apothecaries, shall forfeit and pay the Sum of Twenty Pounds Current Money, and be liable thereafter to the Performance of all every Military Service and Duty whatsoever, any Law usage or Custom to the contrary notwithstanding.

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And Whereas all and every Person and Persons of the Militia of this Province are as aforesaid, not only liable to the Duties and Services required by this Act, but also if able to find, at their own proper Cost and Charge, Suitable Arms; and it would prove an unequal Tax if the Persons above exempted from the Services of the Militia, who are able Should be discharged also from the Burthen and Expence of finding Arms.

Be it therefore Enacted by the Authority aforesaid, that all and every the Persons, whose Real and Personal Estate is of the Value of forty Pounds Sterling, to be determined as aforesaid) before exempted from Services of the Militia, and all Men above the Age of Sixty Years of the Ability aforesaid, shall each of them find one good and Sufficient Firelock, with a Bayonet, and deliver the Same to the Colonel or Commanding Officer of the County wherein he shall reside, or pay to the Said Colonel or Commanding Officer the Sum of Three Pounds Current Money in lieu thereof, in Six Months after the Publication of this Act, on Pain that every Person aforesaid of such ability as aforesaid, who shall neglect or omit to find and deliver Such Arms as aforesaid, or pay Such Sum of Money as aforesaid in lieu thereof, Shall be Subject and liable to every Service and Duty of the Militia; any Proviso, Clause, or thing herein contained, or any Law, Custom, or Usage, to the Contrary, Notwithstanding.

And Be it further Enacted by the Authority aforesaid that the Arms which shall be delivered to the Colonels or Commanding Officers aforesaid in manner aforesaid shall be distributed among such Persons as shall need the Same, and not of the Ability aforesaid to Purchase his Arms. And be it Enacted by the Authority aforesaid that in Case the Several Fines, Penalties, and Forfeitures, in this Act mentioned and not triable or determinable before a Court Martial, as afores.^d Shall not be paid upon the Demand or Order of the Commanding Officer of the Person incurring the Same into the Hands of the Sheriff of the County wherein the Offender shall reside; and in Case any other Person, not of the Militia, shall incur any Fine, penalty, or Forfeiture, under this Act, and on Demand or Order of the Colonel Commanding Officer of the County wherein Such Person Shall reside, Shall omit to pay the Same into the Hands of the Sheriff as aforesaid, the Same Shall be recovered, and all Offences under this Act shall be Adjudged and levied in the Manner following, to wit, all Such Fines, Penalties, Offences, and

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L. H. J. Forfeitures, as shall be incurred or committed by any Person of
 Liber No. 48 the Militia, under the Degree of a Commissioned Officer, shall be
 May 22 Adjudged and determined by the Captain or Commanding Officer
 p. 313 of the Company or Troop to which Such Person Shall belong and
 two other the most discreet Persons belonging to the Said Company
 or Troop, or the Majority of them, which said two Persons shall be
 elected and Chosen by the Majority of each Company or Troop at
 the Next day of Training after such Company or Troop shall be
 formed and in Case of Default of Such Election or Choice, the
 Commissioned Officers of each Troop or Company shall constitute
 a Court, to try, ajudge and determine the Matters aforesaid: and in
 Case of such Choice or Election as aforesaid, and Vacancy by Death
 or otherwise of Such Persons, or either of them, to be chosen or
 Elected as aforesaid, Such Vacancy Shall be filled up and Supplied
 by a new Choice or Election as aforesaid; and in Case that the said
 Persons, or either of them, to be elected as aforesaid, shall be
 charged with or accused of any Matter or Thing incurring a Fine,
 Penalty or Forfeiture under this Act, then and in Such Case the
 Place of Such person or persons pro hâc Vice shall be Supplied
 by one or Two Commissioned Officers of the Same Troop or Com-
 pany, as the Case may require, The Said Commissioned Officers, to
 be appointed by the Captain of the Troop or Company, And in
 Case the Commissioned Officer, under the Rank of a Colonel or
 Commanding Officer of a County, Shall in any Matter, not triable
 before such Court Martial, to be appointed by the Governor or
 Commander in Chief for the time as aforesaid, offend against this
 Act, Such Officer shall be tried by the Appointment of the Colonel
 or Commanding Officer of the County wherein Such Offender shall
 reside, before a Court Martial to consist of five, or three at the
 least, of the Commissioned Officers of the Said County who shall
 determine by the Majority of the Voices of such Court, and in Case
 any Colonel or Commanding Officer of a county shall be Charged
 with or accused of any Offence against this Act, then and in Such
 Case the Colonel or Commanding Officer, and Two Field Officers of
 the Next Adjacent County or Counties to be appointed by the Gov-
 ernor or Commander in Chief, or the Major part of them, shall
 adjudge and Determine Such Offense.

And be it further Enacted by the Authority aforesaid, that no
 Person whatsoever shall behave in a disorderly or turbulent Manner,
 or use any Menacing Words, Signs or Gestures in the Presence of
 any Court, Appointed by this Act, during the Sitting of Such Court,
 or in any Manner disturb the Proceedings of any Such Court, on
 pain of Imprisonment, by Order or Sentence of Such Court, not
 exceeding Three days and if any Commissioned Officer shall be
 convicted of having behaved in any Manner unbecoming the Char-
 acter of an Officer, tho his Offence be not Specified in this Act,

Such Commissioned Officer may be degraded and compelled to Serve in the Militia as a Private Person.

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Provided always, that it Shall and may be lawfull for the Persons appointed by or in Pursuance of this Act, to adjudge or determine upon any Matter or thing whatsoever in this Act, to admit the reasonable Excuse of any person tryed before them, and thereupon to acquit Such Person by their Determination; any thing in this Act to the Contrary notwithstanding, and that before any Tryal, Adjudication or Determination of or upon any Matter or thing in this Act mentioned, all and every the Judges to be Appointed by or in Pursuance of this Act, Shall take the Oath above prescribed and directed to be taken by Such Persons as Shall be appointed to Constitute a Court Martial, in Virtue of a Commission for that Purpose from the Governor or Commander in Chief.

And be it Enacted by the Authority aforesaid that all Fines Penalties and Forfeitures aforesaid Shall be levied by the Sheriff of the County wherein the Offender shall dwell, upon the Warrant of the Persons appointed by, or in Pursuance of this Act, to Adjudge and Determine as aforesaid; and the Sheriff to whom such Warrant shall as aforesaid be directed, Shall make a Return of the Same to the Said Persons, by delivering them a Copy thereof, with an Indorsement Signed by the Sheriff, Signifying how and in what Manner he hath executed the Same: And the Said Sheriff is hereby directed to levy, by Distress and Sale of the Goods of the Offender, the Fine, Penalty or Forfeiture, mentioned in Such Warrant and also the Established by Law in Such Cases for Executing Such Warrant, and in Case no Goods of the Offender can be found, on which to levy the Fine, Penalty, a forfeiture aforesaid the Body of the Offender shall be taken and kept in Safe Custody, as in the Case of an Execution by Capias ad Satisfaciendum upon a Judgment in a Court of Law and in Case any Person not belonging to the Militia shall incur any Fine, Penalty, or Forfeiture under this Act then and in Such Case it shall and may be lawfull for any Single Magistrate in the County where the Offender shall reside upon Information or Complaint against such Offender to issue his Warrant to bring Such Offender before him and upon due Proof to give Judgment against Such Offender for the Penalty in this Act Mentioned and by Warrant to direct the Sheriff to levy the Same, in Manner aforesaid; and the said Sheriff in the execution of the Said Warrant Shall demean himself in the Same Manner as before is directed by this Act.

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And be it Enacted by the Authority aforesaid, that all and every the Sum and Sums of Money, which Shall be received, levied and raised in or by Virtue of this Act, shall be applied to the Support of the Militia of this Province, and the defraying the Charges and expences which the Services directed by this Act shall require and

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L. H. J. the Sheriff of each County is hereby directed once in every Six
 Liber No. 48 Months or oftner if required to deliver an Account to the Governor
 May 22 or Commander in Chief for the Time being and another to the
 Treasurer of each respective Shore of this Province to whom the
 Said Sheriff shall pay all Such Sum and Sums of Money as he
 shall receive in Virtue of this Act and the Said Treasurers are hereby
 required and directed to pay to the Order of the Governor or Com-
 mander in Chief for the Purposes aforesaid from Time to Time Such
 Sum and Sums of Money as they shall receive as aforesaid and the
 Said Treasurers are hereby required and directed to lay an Account
 before the General Assembly of this Province every Session of the
 disposition of the said Money.

And be it Enacted by the Authority aforesaid, that all and every
 Sum and Sums of Money, which shall be received by any Officer of
 the Militia, in Virtue of this Act, Shall be forthwith paid Such
 Officer into the Hands of the Sheriff of the County wherein Such
 Offender shall reside; which Said Sheriff is hereby required and
 directed to render Accounts and Pay the Same to the Treasurers as
 before directed, which Said Treasurers are hereby required and
 directed to render Accounts and pay Such Money as before directed,
 and in Case any Officer who shall receive any Sum of Money as
 aforesaid shall depart this Life without Payment thereof into the
 Hands of the Sheriff as aforesaid the Executor or Administrator
 of Such Officer shall be liable to the Payment thereof before any
 other Debt whether on Judgment or otherwise any Law Usage or
 Custom notwithstanding. And every Officer who shall receive Money
 as aforesaid in Virtue of this Act, shall transmit an Account thereof,
 once in every Six Months, to the Governor or Commander in Chief
 for the Time being, and pay the Same as aforesaid, on pain of for-
 feiting double the Sum of Money by him Received on default of
 such Payment, and also of being degraded and compelled to Serve
 as a Private Man in the Militia of his County.

p. 315 And be it Enacted by the Authority aforesaid, that if any Sum
 or Sums of Money to be levied or raised in Virtue of this Act, shall
 be unapplied to the Uses and Purposes in this Act Mentioned and
 directed, Such Sum or Sums of Money so unapplied, shall be applied
 to such Uses and Purposes as shall be directed by the next General
 Assembly thereafter.

And be it Enacted by the Authority aforesaid; that the Office
 Bonds of all Sheriffs shall be deemed to be liable to make good all
 and every the Sum and Sums of Money, which they shall receive
 in Virtue of or by Direction of this Act. And be it Enacted by the
 authority aforesaid that if any Person or Persons, Shall be Sued
 or impleaded for any matter or thing lawfully done, or Commanded
 to be done, in the Execution or by Virtue of this Act, he or they
 shall or may plead the General Issue, and give this Act in Evidence

and if the Plaintiff shall discontinue his Action, or be non-suited, or a Verdict or Judgment shall pass against him he shall pay the Defendant Treble Costs,

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And be it Enacted, that if any Person shall be founded or disabled in any Military Service, in Virtue of this Act, so as to be incapable of Supporting himself, and shall produce a Certificate from his Commanding Officer of his good behaviour in Such Service to the Justices of the County Court, of the County where he last resided, he shall be Supported, during Such his disability at the Publick Charge of this Province.

And be it further Enacted by the Authority aforesaid that Jonas Green Printer to this Province shall and he is hereby Obligated and required within Twenty Days after the End of this present Session of Assembly to deliver to the Sheriff of Ann Arundel County to be by him conveyed in the Same Manner as Public Letters for his Lordships Service are Copies of this Act for the Sheriff and each representative and Field Officer within the several and respective Counties in this Province under the Penalty of Twenty Pounds Current Money to be recovered by Action of Debt Bill Plaint or Information wherein no Essoin Protection or Wager of Law or more than one Imparlance to be allowed one half of which Forfeiture to be paid to the Sheriff of the County where the Same Shall be incurred and by him paid to the Treasurer of the Wester Shore who shall pay the Same to the Order of Governor or Commander in Chief for the Purposes aforesaid the other half to the Informer or him her or them that will Sue for the Same. And be it also Enacted that the Several and respective Sheriffs within this Province shall within Five Days after their having respectively received the Copies of this Act, to them directed to be Sent by the Printer, deliver to every Delegate and Field Officer in their respective Counties one of the Said Copies of this Act, and one Copy thereof such Sheriffs respectively are to keep, and within Five Days the Same Act to Publish, in all the most Public Places in their Several and Respective Counties, to the End that the People in every County within this Province may be well informed thereof And in Case any Such Sheriff shall omit or neglect his Duty herein enjoined he shall forfeit and pay the Sum of Twenty Pounds Current Money one half thereof to the Informer or him her or them that will Sue for the Same the other Half to be paid to Coroners of the County where such Forfeiture shall happen by them to be paid to the Treasurer of the respective Shore where the Same Forfeitures Shall happen who shall pay the Same to the Order of the Governor or Commander in Chief for the Purposes aforesaid, To be recovered in any Court of Record within this Province by Action of Debt Bill Plaint or Information wherein no Essoin Protection or Wager of Law or more than one Imparlance to be allowed Provided Always

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L. H. J. and be it further Enacted by the Authority aforesaid that nothing
 Liber No. 48 herein contained shall extend or be construed to extend to take away
 May 22 or prejudice any Right or Claim which the People of this Province
 p. 316 have or Ought to have to any Moneys heretofore or now levied
 by the Right Honourable the Lord Proprietary of this Province
 under Colour as they apprehend of an Act of Assembly made in
 the Year Seventeen hundred and four Entituled An Act for the
 Settlement of an Annual Revenue upon her Majesty's Governor
 within this Province.

And be it Enacted by the Authority aforesaid that all Laws
 heretofore made regulating or in any Manner relating to the Militia
 of this Province and every Matter Article or Clause in any Such
 Laws contained and all Military Commissions heretofore Granted
 under any former Law be and are hereby Utterly repealed and made
 Void.

And be it Enacted by the Authority aforesaid that this Act and
 all the Matters and Articles herein Contained shall continue in Force
 untill the Tenth February which Shall be in the Year of our Lord
 one Thousand Seven hundred and Fifty Seven and no Longer.

Richard Lee and William Goldsborough, Esquires, from the
 Upper House, acquaint M.^r Speaker, That the Governor requires
 the Members of the Lower House to attend him immediately in the
 Upper House.

M.^r Speaker left the Chair, and, with the other Members of the
 Lower House, went to the Upper House, and there presented to his
 Excellency the several Ingrossed Bills, viz.^t

[The list of bills is printed in the Upper House Journal, pages
 296-7.]

p. 317 All which his Excellency passed into Laws in the usual Manner;
 and made the following Speech:
 Gentlemen of the Lower House of Assembly,

As you seemed to be persuaded at the Opening of this Session,
 that a well-armed and well-regulated Militia, would, at this Season,
 be our best Security, and were pleased to tell me, that a proper Law
 for that Purpose should be one great Object of your Deliberations,
 I confess I was a little surprized at your sending me such a Mes-
 sage as you did this Morning, before you have performed what you
 gave me such Room to hope and expect; however, as you have inti-
 mated, that by putting an End to this Session, I shall do a Thing
 not less agreeable to your Wishes, than I did in convening you, I
 will not press you to take that Affair into Consideration till your
 next Meeting, but shall content myself at present with recommend-
 ing it particularly to those Gentlemen of each House, that are Com-
 manders and Officers, to have the Militia in their respective Counties,
 duly Mustered and Exercised, agreeable to our present Laws, which